

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
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SOUTHERN DISTRICT
OF INDIANA
LEADS & SERVICES
CLERK

STEVEN LEON DAVIS, Individually and
As Personal Representative of the Estate of
MARY ALICE DAVIS, Deceased,

Plaintiff,

v.

CASE NO.

WILLIAM RYAN SUTHERLAND, M.D.,
ASSOCIATED PHYSICIANS & SURGEONS
CLINIC, LLC d/b/a AP&S CLINIC,
HIRISADARAHALLY NAGARAJA, M.D., and
UNION HOSPITAL, INC.,

Defendants.

2 : 12 -cv- 0373 JMS -WGH

COMPLAINT FOR DAMAGES

COUNT I

Plaintiff Steven Leon Davis, individually and as personal representative of the estate of Mary Alice Davis, deceased, by counsel, for his cause of action against the defendants alleges and states the following:

1. At all relevant times mentioned herein, Steven Leon Davis was the lawful husband of Mary Alice Davis. He is a resident of Illinois and the duly appointed, acting, and qualified personal representative of the estate of Mary Alice Davis, having been so appointed by the Edgar County Circuit Court, State of Illinois, Cause No. 2009-P-18, on April 15, 2009.

2. William Ryan Sutherland, M.D., is a resident of Kentucky. Hirisadarahally Nagaraja, M.D., is a resident of Indiana. Associated Physicians & Surgeons Clinic, LLC d/b/a AP&S Clinic (hereinafter "AP&S") was a domestic limited liability company with its principal place of business in Indiana. Union Hospital, Inc., is a domestic corporation with its principal place of business in Indiana.

3. Pursuant to Indiana law, this claim was presented to a medical review panel which issued its opinion on or about October 9, 2012. A copy of the Medical Review Panel opinion is attached as **Exhibit A**.

4. At all relevant times mentioned herein, William Ryan Sutherland, M.D., and Hirisadarahally Nagaraja, M.D., were agents and or employees of AP&S, acting within the scope of their employment in caring for Mary Alice Davis.

5. At all relevant times mentioned herein, William Ryan Sutherland, M.D., Union Hospital, Inc., AP&S, and Hirisadarahally Nagaraja, M.D., were qualified health care providers pursuant to I.C. 34-18-1-1 et seq.

6. At all relevant times mentioned herein, Mary Alice Davis had a physician patient relationship with William Ryan Sutherland, M.D., and Hirisadarahally Nagaraja, M.D., respectively.

7. On or about July 19, 2007, Hirisadarahally Nagaraja, M.D., commenced the care and treatment of Mary Alice Davis.

8. On or about October 19, 2007, William Ryan Sutherland, M.D., commenced the care and treatment of Mary Alice Davis, including surgery performed on or about November 27, 2007 at Union Hospital, Inc.

9. The care provided to Mary Alice Davis by William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, was negligent.

10. As a direct and proximate result of the negligence of William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, and each of them, Mary Alice Davis endured additional

surgical procedures including splenectomy and pancreatectomy; suffered debilitating injuries including respiratory failure, sepsis, DIC, renal failure; physical pain and suffering; emotional distress; and incurred hospital, medical, rehabilitation, and other expenses, all of which continued until her death.

11. As a direct and proximate result of the negligence of William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, and each of them, Steven Leon Davis suffered loss of love and companionship and support of his wife, and incurred medical and other expenses and losses on account of her injuries.

WHEREFORE, Steven Leon Davis, individually and as personal representative of the estate of Mary Alice Davis prays for damages against the defendants, jointly and severally, in an amount which will fully and fairly compensate for these losses, the costs of this action, and for all other just and proper relief.

COUNT II

Plaintiff Steven Leon Davis, individually and as personal representative of the estate of Mary Alice Davis, deceased, by counsel, for his cause of action against the defendants alleges and states the following:

1. At all relevant times mentioned herein, Steven Leon Davis was the lawful husband of Mary Alice Davis. He is a resident of Illinois and the duly appointed, acting, and qualified personal representative of the estate of Mary Alice Davis, having been so appointed by the Edgar County Circuit Court, State of Illinois, Cause No. 2009-P-18, on April 15, 2009.

2. William Ryan Sutherland, M.D., is a resident of Kentucky. Hirisadarahally Nagaraja, M.D., is a resident of Indiana. Associated Physicians & Surgeons Clinic, LLC d/b/a

AP&S Clinic (hereinafter "AP&S") was a domestic limited liability company with its principal place of business in Indiana. Union Hospital, Inc., is a domestic corporation with its principal place of business in Indiana.

3. Pursuant to Indiana law, this claim was presented to a medical review panel which issued its opinion on or about October 9, 2012. A copy of the Medical Review Panel opinion is attached as **Exhibit A**.

4. At all relevant times mentioned herein, William Ryan Sutherland, M.D., and Hirisadarahally Nagaraja, M.D., were agents and or employees of AP&S, acting within the scope of their employment in caring for Mary Alice Davis.

5. At all relevant times mentioned herein, William Ryan Sutherland, M.D., Union Hospital, Inc., AP&S, and Hirisadarahally Nagaraja, M.D., were qualified health care providers pursuant to I.C. 34-18-1-1 et seq.

6. At all relevant times mentioned herein, Mary Alice Davis had a physician patient relationship with William Ryan Sutherland, M.D., and Hirisadarahally Nagaraja, M.D., respectively.

7. On or about July 19, 2007, Hirisadarahally Nagaraja, M.D., commenced the care and treatment of Mary Alice Davis.

8. On or about October 19, 2007, William Ryan Sutherland, M.D., commenced the care and treatment of Mary Alice Davis, including surgery performed on or about November 27, 2007 at Union Hospital.

9. The care provided to Mary Alice Davis by William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, was negligent.

10. As a direct and proximate result of the negligence of William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, and each of them, Mary Alice Davis endured additional surgical procedures including splenectomy and pancreatectomy; suffered debilitating injuries including respiratory failure, sepsis, DIC, renal failure; incurred additional medical and treatment expenses, and died as a result of her injuries.

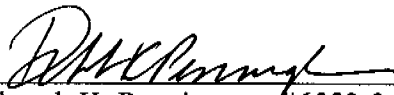
11. As a direct and proximate result of the negligence of William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, and each of them, Steven Leon Davis suffered the loss of love and companionship and support on account of the death of his wife, and incurred funeral, burial, medical, and other expenses including attorneys fees and litigation expenses on account of her death.

12. As a direct and proximate result of the negligence of William Ryan Sutherland, M.D.; Hirisadarahally Nagaraja, M.D.; AP&S, by its agents and employees; and Union Hospital, Inc., by its agents and employees, and each of them, the estate of Mary Alice Davis has incurred medical and hospital expenses, funeral and burial expenses, attorneys fees, costs of administration, and litigation expenses on account of her death.

WHEREFORE, Steven Leon Davis, individually and as personal representative of the estate of Mary Alice Davis prays for damages against the defendants, jointly and severally, in an amount which will fully and fairly compensate for these losses, the costs of this action, and for all other just and proper relief.

Respectfully submitted,

GARAU GERMANO HANLEY & PENNINGTON, P.C.



Deborah K. Pennington, #6559-36

Jerry A. Garau, #10822-49

151 N. Delaware Street, Suite 1515

Indianapolis, IN 46204

Phone: (317) 822-9530; Fax: (317) 822-9531